

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ADAN JOE NIETO,
Petitioner,
v.
ELDON VAIL,
Respondent

Case No. C09-5250 RBL/KLS

**ORDER DENYING
APPLICATION TO PROCEED IN
*FORMA PAUPERIS***

The Court, having reviewed the Report and Recommendation, Petitioner's application to proceed *in forma pauperis* and the remaining record, hereby finds and **ORDERS**:

- (1) the Magistrate Judge's Report and Recommendation is approved and adopted;
 - (2) Petitioner's application to proceed *in forma pauperis* is **DENIED**; and
 - (3) the Clerk is directed to send directed to send copies of this Order to Petitioner.

DATED this 9th day of June, 2009.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE